

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

TAYLOR OUELLETTE,

Plaintiff,

v.

FRANCESCA'S COLLECTIONS, INC.,

Defendant.

CIVIL ACTION  
Docket No:

**NOTICE OF REMOVAL**

Defendant Francesca's Collections, Inc. ("Francesca's or "Defendant"), by counsel and pursuant to 28 U.S.C. § 1441, *et seq.*, requests removal of a civil action commenced in the Cumberland County Superior Court, titled *Taylor Ouellette v. Francesca's Collections, Inc.*, Civil Action Docket No. CV-20-277. In support of removal, Defendant respectfully states:

1. Plaintiff Taylor Ouellette commenced this action by filing a Complaint in Maine Superior Court, Cumberland County, on or about July 7, 2020, a copy of which is attached as Exhibit A to the Declaration of Katharine I. Rand ("Rand Declaration").

2. On or about September 21, 2020, Plaintiff's counsel emailed Defendant's counsel a copy of the Complaint together with an Acceptance of Service form which Defendant had not yet signed by the time of this removal.

3. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely as it has been filed with this Court within thirty (30) days after receipt by Defendant through service of Plaintiff's Complaint.

4. The United States District Court for the District of Maine is the federal judicial district encompassing the Superior Court of Cumberland, Maine, where this suit was originally filed. Venue, therefore, is proper in this district under 28 U.S.C. § 1441(a).

5. Francesca's is a Texas Corporation with a principal place of business located in Houston, Texas.

6. Plaintiff is an adult individual who resides in Westbrook, Maine.

7. In the Complaint, Plaintiff seeks judgment and monetary damages against Francesca's and includes a request for attorneys' fees, non-economic damages, lost wages, pre- and post-judgment interest, and punitive damages. Although Plaintiff does not make a demand for a specific amount of monetary damages against Francesca's in her *ad damnum* clause, the amount of damages and attorneys' fees sought by Plaintiff exceeds \$75,000.

6. Under 28 U.S.C. § 1332 (a)(1) & (c), this Court has original jurisdiction over this matter because the amount in controversy exceeds \$75,000 and the parties are completely diverse: (a) the Plaintiff is a citizen of the state of Maine; and (b) Francesca's is incorporated in Delaware with a principal place of business in Texas.

7. This Court having diversity jurisdiction in this matter under 28 U.S.C. § 1441(b), Francesca's may remove this action by giving notice thereof to all adverse parties and by filing a copy of this Notice with the Clerk of Court for the Maine Superior Court, Cumberland County.

7. Pursuant to 28 U.S.C. § 1446(a), copies of the Complaint and other papers are attached, being all the process, pleadings, and orders served upon Defendant.

8. Pursuant to 28 U.S.C. § 1446(d), Defendant this day is filing a copy of the Notice of Removal with the Cumberland County Superior Court, and sending copies of the notice to Plaintiff's counsel.

WHEREFORE, Defendant Francesca's Collections, Inc. respectfully requests that the above-captioned action be removed from the Cumberland County Superior Court to this Court.

Dated: October 20, 2020

/s/ Katharine I. Rand  
Katharine I. Rand

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*Counsel for Defendant  
Francesca's Collections, Inc.*

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

**CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2020, I served a copy of Defendant Francesca's Collections, Inc.'s Notice of Removal by electronic mail addressed to the following:

Guy D. Loranger, Esquire  
Law Office of Guy D. Loranger  
1 Granny Smith Court, Suite 3  
Old Orchard Beach, ME 04064  
207-937-3257  
[guy@lorangerlaw.com](mailto:guy@lorangerlaw.com)

Dated: October 20, 2020

/s/ Katharine I. Rand

Katharine I. Rand

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*Counsel for Defendant  
Francesca's Collections, Inc.*